

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

4-STAR PORK, LLC
Section 6, Coon Township
Buena Vista County, Iowa
Facility ID #60247

ADMINISTRATIVE CONSENT ORDER
NO. 2010-AFO- **33**

TO: Rick Roeder, Registered Agent
4-Star Pork, LLC
1946 540th Street
Albert City, Iowa 50510

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b". You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (DNR), to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by June 24, 2009. On June 24, 2008, DNR Field Office 3 administratively approved your original MMP. The MMP submitted did not include acceptable soil samples and 567 65.17(17)"e" requires that acceptable soil samples be submitted no more than one year after the MMP is approved. On July 1, 2008, DNR Field Office 3 sent you a letter explaining the requirement, stating the corrected and complete MMP including the recalculations, phosphorus index, and soil analyses must be submitted by June 24, 2009. The letter stated if the information was not submitted by that date that an enforcement action with a \$3,000.00 penalty would be issued. On March 31, 2009 and June 11, 2009, you were sent letters reminding you of the requirements. Additionally, DNR Field Office 3 contacted you by telephone on June 30, 2009 and July 9, 2009 reminding you of the requirements. During the final telephone conversation you stated the information would be submitted by July 23, 2009. On July 29, 2009, you were sent a Notice of Violation letter and Notice of Referral for the violation. The information was submitted to DNR Field Office 3 on August 31, 2009.

ORDER: A penalty of \$2,000.00 is assessed and shall be paid in accordance with the attached payment plan. The penalty payments shall be paid to the DNR at the address listed below. \$300.00 of this amount is assessed for economic benefit from delayed soil sampling and soil analyses. \$1,000.00 of this amount is based on the gravity of the violation; considering the size of the facility, agency costs in addressing the violations, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$700.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed, and you were sent several notices of the requirements by the DNR.

AUTHORITY: Iowa Code §455B.109; §459.601 (2)(a); 567 IAC 10.3; 65.16(3)"b".

APPEAL: This administrative consent order is entered into knowingly by and with the consent of 4-Star Pork, LLC. For that reason, 4-Star Pork, LLC waives the right to appeal this administrative consent order or any part thereof.

NONCOMPLIANCE: If you fail to comply with this administrative consent order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.

4-Star Pork LLC
4-Star Pork LLC by Rick Roeder

Dated this 9 day of June, 2010.

Richard A. Leopold
Richard A. Leopold, Director

Dated this 23 day of June, 2010.

Iowa Department of Natural Resources
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

#60247; Kelli Book; Field Office 3; EPA; VIII C 2

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Payment Plan for 4-Star Pork, LLC

4-Star Pork, LLC shall pay the \$2,000.00 assessed penalty in accordance with the following payment plan. If any of the payments are not received in accordance with the plan, the remainder of the penalty shall be due immediately.

\$100.00 due December 1, 2009 pd. ;	\$100.00 due October 1, 2010;
\$100.00 due January 1, 2010 pd. ;	\$100.00 due November 1, 2010;
\$100.00 due February 1, 2010;	\$100.00 due December 1, 2010;
\$100.00 due March 1, 2010;	\$100.00 due January 1, 2011;
\$100.00 due April 1, 2010;	\$100.00 due February 1, 2011;
\$100.00 due May 1, 2010;	\$100.00 due March 1, 2011;
\$100.00 due June 1, 2010;	\$100.00 due April 1, 2011;
\$100.00 due July 1, 2010;	\$100.00 due May 1, 2011;
\$100.00 due August 1, 2010;	\$100.00 due June 1, 2011; and
\$100.00 due September 1, 2010;	\$100.00 due July 1, 2011.